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DEC 14 2007

In re Application of : **OFFICE OF PETITIONS**
Julie A. Symons et al :
Application No. 09/971,857 : **DECISION ON PETITION**
Filed: October 4, 2001 :
Attorney Docket No. HP-10013861 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 14, 2007, to revive the above-identified application.

The petition is **DISMISSED** as moot for the reasons stated below.

The petition states that this application became abandoned on April 12, 2007.


A review of the file record discloses that a final Office action was mailed on October 17, 2006, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before January 17, 2007 or on or before April 17, 2007 with the appropriate extension of time fee. A Notice of Appeal, bearing a certificate of mailing date of January 17, 2007, was received on January 22, 2007. Accordingly, the Appeal Brief was due on or before March 22, 2007, or on or before August 22, 2007 with the appropriate extension of time fee. On June 14, 2007, an Appeal Brief was filed within the extendable period provided therefor.

As there is no apparent indication that this application is in fact abandoned, the filing of a petition to revive is unnecessary and is therefore dismissed as involving a moot issue. However, if petitioner knows of any reason why a petition to revive in this application is necessary, petitioner should promptly inform the Office.

In view of the above, the \$1,500 petition fee submitted is unnecessary and refunded to petitioner's deposit account. As authorized, the \$500 fee due for the Appeal Brief and a three (3) month extension of time fee of \$1,020 will be charged to petitioner's deposit account.

This application is being referred to Technology Center AU 2151 for appropriate action in the normal course of business on the Appeal Brief filed June 14, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.


Frances Hicks
Petitions Examiner
Office of Petitions